

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
BEAUMONT DIVISION

DAVID O'NEAL WILLIAMS

§

VS.

§

CIVIL ACTION NO. 1:06cv73

JASPER SHERIFF'S OFFICE

§

MEMORANDUM ORDER OVERRULING OBJECTIONS AND ADOPTING
THE MAGISTRATE JUDGE'S REPORT AND RECOMMENDATION

David O'Neal Williams, proceeding *pro se*, filed the above-styled civil rights lawsuit. The court referred this matter to the Honorable Earl S. Hines, United States Magistrate Judge, at Beaumont, Texas, for consideration pursuant to applicable orders of this court.

The magistrate judge has submitted a Report and Recommendation of United States Magistrate Judge concerning this case. The magistrate judge recommends the case be dismissed without prejudice as repetitious.

The court has received and considered the Report and Recommendation of United States Magistrate Judge, along with the records, pleadings and all available evidence. Plaintiff filed objections to the Report and Recommendation. The court must therefore conduct a *de novo* review of the objections.

The magistrate judge's recommendation was based on his conclusion that plaintiff had another case pending before the court raising the same claims. In his objections, plaintiff does not contest the conclusion that *Williams v. Jasper Sheriff's Office*, 1:05cv479, raises the same claims as the above-styled lawsuit and is currently pending before the court. As plaintiff may not proceed with the same claims in two different lawsuit, the court agrees with the recommendation of the magistrate judge.

ORDER

Accordingly, plaintiff's objections are **OVERRULED**. The findings of fact and

conclusions of law of the magistrate judge are correct and the report of the magistrate judge is **ADOPTED**. A final judgment will be entered dismissing this lawsuit.

So **ORDERED** and **SIGNED** this **5** day of **December, 2006**.

A handwritten signature in black ink, appearing to read "Ron Clark", is written above a horizontal line.

Ron Clark, United States District Judge